

FACT SHEET (06ZQ) PREPARED FOR SING CHIA

DATE: 9/24/2010

TOPIC: Current Status - San Jacinto River Waste Pits Site

BACKGROUND

San Jacinto River Waste Pits Site (Site) is located in Pasadena, Harris County, Texas, encompassing an approximate 20-acre tract of land (Tract) bounded on the south by Interstate Highway 10, on the east by the San Jacinto River main channel, and on the north and west by shallow water off the River's main channel and an area of the San Jacinto River bottom, i.e., river sediment. The Site is contaminated with waste paper mill sludge, i.e., hazardous wastes contaminated with dioxin, that the McGinnes Industrial Maintenance Corporation ((MIMC) had barged to the Tract from the now closed Champion Paper Mill in Pasadena, Texas during the mid-1960s..

CURRENT STATUS

Currently the potentially responsible parties (PRP) for this Site are MIMC and International Paper Company (IPC).

RPM plans to look into dioxin fingerprinting as a third line of evidence for the Site in order to identify existing dioxin as paper mill related dioxin (the other lines of evidence are: fate & transport modeling and dioxin TEQ levels).

EO is confirming locations of former and other possible existing paper mills, and locations of their outfalls, in the areas of the Houston Ship Channel and the Galveston Bay watershed.

Administrative Order on Consent (AOC).

- On 5/3/2010 and 5/7/2010 MIMC and IPC respectfully signed a Time Critical Removal Action (TCRA) under an AOC.
- The AOC identifies that PRPs shall perform, at a minimum, all actions necessary to implement the Time Critical Removal Action ("TRCA") described in the Action Memorandum. The actions to be implemented include, but are not limited to, stabilizing waste pond 1 and waste pond 2 on the Site property to temporarily abate the ongoing release of material containing hazardous substances from the waste ponds to the San Jacinto River and installing fencing and taking other steps to secure and limit the potential for unauthorized access to the Tract.
- To date the PRPs have installed fencing and signs around the Tract.
- On 9/10/2010 MIMC advised Site RPM/attorney, via letter, that MIMC objects to EPA's decision that requires PRPs to construct a cover that can withstand a 100-year storm event to temporarily abate a possible release of dioxin from waste ponds on the Tract. MIMC feels that construction of such a cover constitutes a long term remedy rather than a temporary abatement. MIMC's letter further advises that, contingent upon resolution of this matter, MIMC intends to timely submit a time critical removal action (TCRA) work plan to EPA as required by the AOC.
- On 9/23/2010 Site Attorney prepared a letter in response to MIMC's 9/10/2010 letter, advising that EPA's recommended cover that can withstand a 100-year storm event to temporarily abate a possible release of dioxin from the waste ponds on the Tract is appropriate for the removal action at the Tract. Based upon the AOC's dispute resolution procedure MIMC has until 9/24/2010, i.e., 14 days from the date of MIMC's written objection, to negotiate this matter.

Unilateral Administrative Order (UAO)

- On 11/20/2009 EPA issued an UAO to both PRPs to conduct a joint Remedial Investigation/Feasibility Study (RI/FS).

- To date PRPs have conducted sampling activities in the Site area.
- On 8/26/2010, via email RPM requested PRPs revise their RI/FS Work Plan, § 6.1.8 Soil Investigation to require surface and subsurface soil samples be taken in and around an additional impoundment area located south of I-10.
- On 9/10/2010 Site RPM/attorney received letter notification from MIMC that it denies any responsibility for the additional impoundment south of I-10 and contends that the area south of I-10, where the impoundment may be located, is a separate “facility” or “Site” under CERCLA. The letter also documents MIMC’s intent not to participate in sampling activities at the impoundment south of I-10.
- On 9/13/2010 Site RPM/attorney received emailed letter notification from IPC that it does not agree with the position stated in MIMC’s 9/10/2010 letter that it (MIMC) was not involved in the disposal of waste into or from the impoundment located south of I-10. IPC’s letter further states that it does not regard there to be a credible technical basis for requiring additional sampling with respect to the additional impoundment located south of I-10 under the UAO.

NOTE - EO’s interprets the IPC letter to mean that, although IPC doesn’t think there is a basis to warrant sampling of the southern impoundment, IPC has not refused to participate in sampling activities at the southern impoundment.

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